

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

* * * * *

ATHERSIA J. KNAPIK,

*

Plaintiff, *

v.

* No. 2113-CV-

MARY HITCHCOCK MEMORIAL HOSPITAL, * 175

Defendant. *

* * * * *

DEPOSITION OF AHERSIA J. KNAPIK, M.D.

Deposition taken at the law offices of Watts Law

Firm, P.C., 19 Central Street, Woodstock, Vermont,

on Tuesday, April 9, 2013, commencing at 9:05 a.m.

1 that?

2 A. I believe so. Well, I believe it was -- I
3 wasn't handed it but it was -- it was put on the table
4 for me to pick up.

5 Q. Okay. The last paragraph, or next to last
6 paragraph of the letter says, "Included with this
7 notice of termination is a copy of our GME grievance
8 process and procedures."

9 A. Mm-hmm. Correct.

10 Q. Now, did you receive then a copy of the GME
11 grievance process and procedures?

12 A. Yes, I did.

13 Q. And it says, "Should you choose to pursue the
14 grievance option described in these attachments, you
15 must notify Dr. Bertrand in the office of Graduate
16 Medical Education within five days of receipt of this
17 letter."

18 A. Correct.

19 Q. And you understood that at the time?

20 A. Correct.

21 Q. And you chose not to contact Dr. Bertrand?

22 A. Yes.

23 Q. And your explanation, as I understand it, or

1 you said that you had information that led you to
2 distrust Dartmouth-Hitchcock to be willing to make an
3 ethical and moral decision.

4 A. I had no reason to believe, given the
5 information that I had, that Dartmouth-Hitchcock would
6 make a moral and ethical decision.

7 Q. And --

8 A. Regarding my termination.

9 Q. And was it on that basis that you decided not
10 to use whatever internal procedures might have been
11 available to challenge your termination?

12 A. Yes.

13 Q. Were you familiar with the process that you
14 decided not to apply? In other words, each of the
15 steps.

16 A. Each of the grievance steps?

17 Q. Yes, ma'am.

18 A. Why would I familiarize myself with the
19 process that I had no intention of using?

20 Q. Can't answer that question, but I'll take
21 that answer to be no, you weren't familiar; is that
22 correct?

23 A. I had no intention of using the grievance

1 process.

2 Q. For example, are you aware at the end of the
3 due process or fair hearing procedures, are you aware
4 what the last step is?

5 A. No.

6 Q. Tell me what the information was that you had
7 that led you to believe you wouldn't be treated in an
8 ethical and moral way.

9 A. At relatively the same time as when Katie
10 Davis told me that she was falsifying her medical
11 license application, Dr. Kispert had made an entirely
12 different -- Dr. Kispert had sent an e-mail to Dr.
13 Freeman asserting that he felt Katie was inadequately
14 trained as a surgical resident and that
15 Dartmouth-Hitchcock should not graduate her. I was
16 then told by Dr. Rosenkranz that there was a
17 subsequent meeting between Freeman, Dr. Kispert and
18 Dr. Rosenkranz to discuss Dr. Kispert's assertion, and
19 that Dr. Freeman stated in this meeting, as told to me
20 by Dr. Rosenkranz, that we will not graduate this
21 resident because to do so at this time makes us look
22 incompetent as a training program.

23 MR. KAPLAN: Okay. I'm going to move to

1 Hampshire Board of Medicine.

2 A. Right.

3 Q. What medical licensure do you hold now, if
4 any?

5 A. The New Hampshire Board of Medicine granted
6 me a full medical license.

7 MR. WATTS: Thank you. That's all I have.

8 FURTHER EXAMINATION

9 BY MR. KAPLAN:

10 Q. I just -- one thing that I wanted to ask
11 about. The -- when did you first hear from the
12 fellowship in Miami concerning the issue involving
13 your reporting to Kentucky?

14 A. When I called them.

15 Q. And what caused you to call them?

16 A. I felt they had an obligation to know what
17 was happening up at Dartmouth.

18 Q. When you called -- so you called your
19 fellowship program, and to whom did you speak?

20 A. Dr. Seth Thaller.

21 Q. Allard?

22 A. Thaller.

23 Q. Could you spell it?

1 A. T-h-a-l-l-e-r.

2 Q. And do you recall when that occurred?

3 A. June -- it was the day I got terminated.

4 Q. That would have been probably on June 13?

5 A. (Nods head affirmatively.)

6 Q. Is the answer yes?

7 A. Correct, yes.

8 Q. Are you aware whether or not your program had
9 been advised at that point in time about the situation
10 by anyone from Dartmouth?

11 A. No. Dr. Thaller was -- he made it very clear
12 that this was the first that he was hearing from it --
13 about it.

14 Q. Okay. Did you have any -- presumably you had
15 some subsequent conversations or contact with the
16 Miami fellowship program?

17 A. Only through writing.

18 Q. No more contact, no more conversations at all
19 that you can recall?

20 A. I recall sending an e-mail to the department
21 secretary that I never got a response to, and it was
22 something about paperwork or something.

23 Q. Okay.

1 A. So it wasn't anything I needed to really
2 follow up on.

3 Q. So how did you learn that the Miami
4 fellowship program was terminating your acceptance?

5 A. I believe it was the letter from -- Dr.
6 Parrish sent me a letter.

7 Q. Okay. Do you remember what it said?

8 A. We are rescinding your fellowship is all I
9 remember reading.

10 Q. Do you remember --

11 A. And I could reapply.

12 Q. Was there a reason why they were rescinding
13 your fellowship that they expressed in the letter?

14 A. I believe it was -- I mean, the fellowship is
15 contingent on being board eligible and successfully
16 have completed a general surgery residence, which --

17 Q. That may be what the fellowship is dependent
18 upon, but my question to you was did they report to
19 you in a letter?

20 A. Do we have the letter?

21 Q. I don't. If I did, I would show it to you.

22 A. I don't recall specifically recall what the
23 letter said.

CORRECTION AND SIGNATURE PAGE
TO DEPOSITION

DEPOSITION OF:

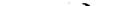
DATE OF DEPOSITION:

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In order to make this deposition more nearly conform to the testimony given, wish to make the following changes:

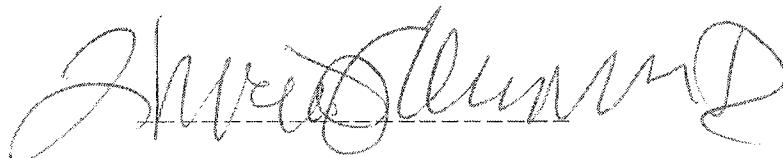
Dated this 12 day of June, 2013.


Deponent

ORIGINAL

1 CERTIFICATE OF WITNESS
2

3 I, Thersia J. Knapik, M.D., have read the
4 foregoing transcript of deposition taken on Tuesday,
5 April 9, 2013, at the offices of Watts Law Firm, P.C.,
6 Woodstock, Vermont, and do hereby swear/affirm it is
7 an accurate and complete record of my testimony given
8 under oath in the matter of Knapik v. MHMH, including
9 any and all corrections that may appear on those pages
10 so denoted as "Corrections."

11 
12

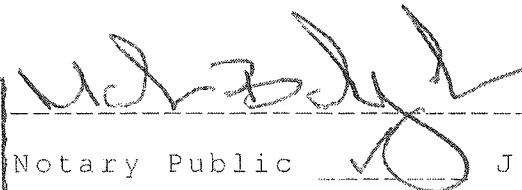
13 Thersia J. Knapik, M.D.

14 STATE OF North Carolina

15 COUNTY OF Wake

16
17 Subscribed and sworn to before me this 10
18 day of June, 20 13.

19
20 MARK BABYAK
Notary Public, North Carolina
Wake County
My Commission Expires
March 27, 2017


21 Notary Public J.P.

22 My Commission Expires: March 27, 2017